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Attorneys for Defendant
JOSEPH NUBLA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH NUBLA and HENRY KU,

Defendants.

Case No. 3:21-cr-00139-RS

**STIPULATION TO RESCHEDULE
STATUS CONFERENCE FROM
NOVEMBER 9, 2021 TO
DECEMBER 7, 2021 AND TO
EXCLUDE TIME AND
ORDER**

It is hereby stipulated by and between counsel for the United States and counsel for Defendants, Joseph Nubla and Henry Ku, that the status conference currently scheduled for November 9, 2021, be continued to December 7, 2021, and that time be excluded under the Speedy Trial Act from November 9, 2021, to December 7, 2021.

At the status conference held on May 11, 2021, the government and counsel for defendants agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery already produced, and for the government to produce additional discovery review by defense counsel. On June 24, 2021, the United States requested and this Court granted additional time to provide the additional discovery which required review by a taint attorney. On September 24, 2021, the United States requested and this Court granted additional time to provide the additional discovery because that

1 review was still ongoing. Counsel for defendants received additional discovery from the United
2 States on September 20 and again on November 2. The United States represents that it sent the
3 image files for the November 2 production on November 5. Defense counsel is awaiting receipt
4 of the image files at the time of this submission. Counsel for defendants is requesting additional
5 time to review the additional discovery provided, which Counsel is still in the process of
6 receiving from the United States. The United States is in agreement with this request for a
7 continuance and the parties therefore request that this Court continue the status conference
8 currently scheduled for November 9, 2021, to December 7, 2021.

9 For the reasons stated above, the parties stipulate and agree that excluding time from
10 November 9, 2021, to December 7, 2021, will allow for the effective preparation of counsel. *See*
11 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice
12 served by excluding the time from November 9, 2021, to December 7, 2021, from computation
13 under the Speedy Trial Act outweigh the best interests of the public and the defendants in a
14 speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

15 The undersigned defense counsel certifies that he has obtained approval from the
16 Assistant United States Attorney to file this stipulation and proposed order.

17
18 Dated: November 5, 2021

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20 By: /s/ Joshua Hill

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27 *Attorney for Defendant*
28 *Joseph Nubla*

By: /s/
CYNTHIA STIER
Assistant United States Attorney

By: /s/
RANDY SUE POLLOCK
Counsel for Defendant Henry Ku

ORDER

Based upon the facts set forth in the stipulation of the parties it is HEREBY ORDERED that the status conference scheduled for November 9, 2021, at 2:30 p.m. is rescheduled to December 7, 2021, by telephone or videoconference. IT IS FURTHER ORDERED, for good cause shown, and this Court finds, that failing to exclude the time from November 9, 2021, to December 7, 2021, would unreasonably deny defense counsel and the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from November 9, 2021 to December 7, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from November 9, 2021 to December 7, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: 11/5/2021



RICHARD SEEBORG

Chief United States District Judge